

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

ERIC WADE CLARK,

Petitioner,

ORDER

-against-

22 Civ. 6635 (KMK) (AEK)

THE STATE OF NEW YORK, *et al.*,

Respondents.

-----X

THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.¹

A series of emails was sent by *Pro Se* Petitioner directly to the undersigned's chambers email address, rather than being mailed to the Clerk's Office for filing. The Court hereby requests that the Clerk docket this Order and the emails, which are attached hereto as Exhibits A-C. *Pro Se* Petitioner is advised that all future filings are to be mailed to the Clerk's Office at the Hon. Charles L. Briant Jr. Federal Building and Courthouse, 300 Quarropas Street, White Plains, New York 10601.

The Clerk of Court is respectfully directed to mail a copy of this Order, with attachments, to the *Pro Se* Petitioner at his address of record on the docket.

Dated: April 11, 2023
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge

¹ The Honorable Kenneth M. Karas referred this matter to the undersigned on April 3, 2023. ECF No. 13.

EXHIBIT A

Krause NYSD Chambers

From: Eric Clark <academiaagainstabuse@aol.com>
Sent: Monday, April 10, 2023 12:05 PM
To: DBFeld@nycourts.gov
Cc: Krause NYSD Chambers
Subject: Submission Discharge and Award

CAUTION - EXTERNAL:

Date 4/10/23

To: Hon. Susan Cacace

Westchester County Supreme Court

cc: Hon. Andrew E. Krause

Southern District of New York

From: Eric Wade Clark

22-cv-6635 Clark v. New York SDNY

Point 1

Habeas

1 I want to stress that I am unable to proceed to my home in Tennessee because of Civil Supervision.

2) It would seem there has never been cause for the State to prosecute under the Statutory Standards as they are not present in any present day (3 Decades) demonstrable form.

3) It is true that the State Proceeded unlawfully in 2012 as I was not under a qualifying offense as required by law.

a) Justice Cacace's Decision and Order of 6/15/21 states that the qualifying offenses are Rape 1 8 1/3 to 25 and Kidnap 2 8 1/3 to 25 consecutive

b) my arrest date was June 6th 1983

c) My sentences were Rape 1 8 1/3 to 25 Kidnap 2 8 1/3 to 25 concurrent by law as Justice Duranco did not specify 68/83 and 2 to 6

consecutive for 1st degree marijuana possession 194/83 a "c" felony. reduced from 10 1/3 to 31 to 10 to 30 per penal law 70.30 as extant in January 1983 the dates of the offenses 1/5 and 1/8 of 1983

d) Justice Karas's Published decision in 11-cv-44 Clark v. Walsh 2016 states the Rape 1 and Kidnap 2 are "concurrent" this was on the exhibit of my commitment papers. As such the sentence for 68/83 ended in full satisfaction on June 6th 2008 at 25 years. So it was not present as a

qualifying offense in 2012 when the State filed the Article 10 petition and my corpus was not subject to Article 10.

e) Richard Ferrante my attorney apparently did not obtain my commitment papers for the preliminary hearing

f) The State cannot now "try to qualify the marijuana offense as it is not mentioned by Justice Cacace in her qualification Decision and order 6/15/21

g) Justice Cacace was the Justice in 2012 and in 6/15/21 Decision and Order

h) As such I am entitled to Habeas relief of Discharge from the inception of the unlawful act and Award of at least salary of 28,000 a year.

POINT 2

Railroading/ Habeas

1) Jeffery C. Singer says in his report of 2018 p.7 that there is no known failure of polygraphs and no sexual behavior problems since 1983. Obviously as the Independent examiner He has access to all the material the Psychiatric examiners have. If Dr. Singer cannot find it where do they?

2) Dr. Singer spoke to 2 of the Treatment Providers during my time on Parole from 2003 to 2008 they did not find any sexual behavior issues to do with sexual offending Dr. Richard B. Krueger and Dr. Thomas F. Hopkins.

3 There was one parole violation for a "hat" however parole subjectively construed the "hat" had nothing to do with any reality I understood of the "hat". I requested polygraphs all the way through the courts and after coming home took a polygraph with D. Foster and in the 45 minute interview clearly delineated the "hat" had nothing to do with children anywhere in my mind.

a) the minutes of the parole hearing of 12/5/07 on page 78: Betty Kyle the parole revocation specialist says this is my first parole violation after 4 years 3 months 11 days.

b) Thomas F. Hopkins letter to the courts (August 9th 2018 & december 18th 2010 & June 19th 2010) says I was compliant with all evaluation and treatment and the controversial parole violation involved possession of a "hat"

c) Edward R. Hammock, a retired chairman of the Division of Parole says "clearly possession of the hat was not a rule 8 violation" Edward Hammock could legally speak for parole as chairman.

d) Regardless of State Doctors up until my Article 10 petition in 2012 my diagnosis at Sullivan C.F. and Great Meadows C.F. and Attica C.F. was Axis 1: Bi-Polar Mild in remission history of polysubstance abuse Axis II; None Medications: (none prescribed)

e) present day .5 mg (1/2 mg) of Risperidol which is a dose qualified by the company as being a dose for mild anxiety.

f) Mental health in and of itself does not produce deviant sexual behaviors. Deviance in your sexual character does. there is no deviance in my mind or behavior as to sexuality in decades. nor was there any while on parole from 2003 to 2008 which my polygraphs attest to (4) and my faithful married life for 2 1/2 years to Andrea also attest to my life as a Christian and belief in a healthy marriage bed.

g) i have passed 3 polygraphs since coming home in 2019 the latest by M. Hobbs 1/5/23 which attest to not even a deviant thought life of any fantasy. My interest is in having my home in Tennessee and Marriage as well as Ministry as I have 2 web sites as part of my Christian Trust.

h) as there was no evidence of any sexual behavior problems since 1983 as Dr. Singer states, how was there any statutory standard to write an Article 10 petition let alone find an inability to control criminal sexual behavior. Though as point 1 herein there was no lawful way to proceed. I also state there is no evidence of the statutory standards and thus constitutes railroading and a discharge and award.

POINT 3

Polygraphs/

M. Hobbs is an expert in the courts. In discussion with M. Hobbs it would be ludicrous to believe that polygraphs are other than what they are. Parole places great weight on polygraphs during supervision. In a polygraph exam there is a test question in which you are asked to lie. The response to the test question is a footprint. If your body produces it clearly, it would be pretty impossible it does not if you lie to a question. The brain causes you to produce it. How would it not during the test when it does for the test question. It would seem cases like Ridling (1974 Southern District) sat that a polygraph experts testimony is as accurate as a ballistic experts or fingerprint experts, and the results of the machine are direct evidence. Posado allows for a lower court to determine this and a hearing is required. This was all motioned in a noticed motion and before Justice Krouse. I passed 7 polygraphs in 8 years in society. They are also a stipulated agreement with Parole they can use them at violation hearings to show untruthfulness. How can I not show veracity by them. Polygraph evidence has to be admitted for a fair hearing.

Conclusion

I am entitled to discharge and award and want to proceed to Tennessee to the cabin I can file on as the son of Sharlene Sullivan. My Birth record in New Jersey has my Birth certificate as the Son of

sharlene Sullivan who was 17 and my given name is Kerwin Jay Sullivan albeit adopted by Harry Redman Clark and Janet H. Clark and given Eric Wade Clark. Pat Kelly the Officer in Tennessee who originally approved me to transfer to Tennessee but was put on hold due to my ex-wife's actions in Tennessee re-approved me 2 weeks before the "hat" violation> I signed the package and Pat Kelly approved the transfer. How 2 weeks later was I taken away for a "hat"?

Thank you for relief that is certainly warranted and for any further and just relief including the approval of polygraphs, discharge and award, as I do not even have my full social security because of this and have to work 4 years to get it. Being on SSI thank you for your kindness and help.

Sworn To: 4/10/2023

28 USC 1746 under penalty of perjury

Eric Wade Clark

Eric Wade Clark

914-351-040

70 Church Street #EWC

New Rochelle, N.Y. 10805

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EXHIBIT B

Krause NYSD Chambers

From: christinthearts.us@yahoo.com
Sent: Monday, April 10, 2023 1:25 PM
To: Krause NYSD Chambers
Subject: Fw: Submission Discharge and Award

CAUTION - EXTERNAL:

----- Forwarded Message -----

From: Eric Clark <academiaagainstabuse@aol.com>
To: rbc1@comc.columbia.edu <rbc1@comc.columbia.edu>
Cc: christinthearts.us@yahoo.com <christinthearts.us@yahoo.com>
Sent: Monday, April 10, 2023, 12:24:17 PM EDT
Subject: Submission Discharge and Award

Date 4/10/23

To: Hon. Susan Cacace
Westchester County Supreme Court
cc: Hon. Andrew E. Krause
Southern District of New York
From: Eric Wade Clark
22-cv-6635 Clark v. New York SDNY

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Habeas

- 1 I want to stress that I am unable to proceed to my home in Tennessee because of Civil Supervision.
- 2) It would seem there has never been cause for the State to prosecute under the Statutory Standards as they are not present in any present day (3 Decades) demonstrable form.
- 3) It is true that the State Proceeded unlawfully in 2012 as I was not under a qualifying offense as required by law.
 - a) Justice Cacace's Decision and Order of 6/15/21 states that the qualifying offenses are Rape 1 8 1/3 to 25 and Kidnap 2 8 1/3 to 25 consecutive
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 - d) Justice Karas's Published decision in 11-cv-44 Clark v. Walsh 2016 states the Rape 1 and Kidnap 2 are "concurrent" this was on the exhibit of my commitment papers. As such the sentence for 68/83 ended in full satisfaction on June 6th 2008 at 25 years. So it was not present as a qualifying offense in 2012 when the State filed the Article 10 petition and my corpus was not subject to Article 10.
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Sent: Monday, April 10, 2023 1:29 PM
To: Krause NYSD Chambers
Cc: dbfeld@nycourts.gov
Subject: Fw: Submission Discharge and Award
Attachments: IMG_0042.jpg

CAUTION - EXTERNAL:

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From: Eric Clark <academiaagainstabuse@aol.com>
To: rbc1@comc.columbia.edu <rbc1@comc.columbia.edu>
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Eric Wade Clark, Pm Sr.

Plaintiff

v

The State of New York, et al.

Defendants

Case No. 22-cv-06635
(KMK/AEK)

ORDER OF REFERENCE
TO A
MAGISTRATE JUDGE

The above entitled action is referred to the Honorable Andrew S. Krausk, United States Magistrate Judge, for the following purposes:

☐ GENERAL PRE-TRIAL (includes scheduling, discovery, non-dispositive pre-trial motions and settlements)

☐ GENERAL PRE-TRIAL & DISPOSITIVE MOTION (all purposes except trial)

☐ DISPOSITIVE MOTION (i.e., a motion requiring a Report & Recommendation)

☐ SPECIFIC NON-DISPOSITIVE MOTION / DISPUTE (including discovery dispute) *
ocket no

☐ JURY SELECTION

☒ HABEAS CORPUS

☐ INQUEST AFTER DEFAULT / DAMAGES HEARING (re concept)

☐ SOCIAL SECURITY

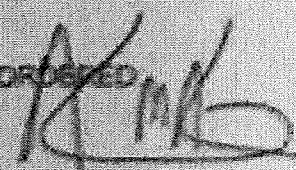
☐ SETTLEMENT

☐ CONSENT UNDER 28 U.S.C. 636 FOR ALL PURPOSES (including trial)

☐ CONSENT UNDER 28 U.S.C. 636 FOR LIMITED PURPOSE OF

Dated: April 3, 2023
White Plains, New York

SO ORDERED



Hon. Kenneth M. Karas
United States District Judge

* Do not check if already referred for General Pre-Trial